IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1560 OF 2006

Directorate of Revenue
Intelligence ...Applicant

V/s

Sultan Dharani & Anr. ...Respondents.

Mr. Shirish Gupte, Senior Counsel with Mr. D.N. Salvi
for the applicant.

Mr. Sanjay Kantawala with Uday Warunjikar with H.K.
Sudhakar i/b Khaitan & Co. for the respondent No.1

Mr. R.F. Lambe for Union of India.

Ms. Rajeshree M. Gadhvi for the State.

CORAM: V.M. KANADE, J.

DATE: 5th May, 2006

P.C.

1. This is an application for cancellation of bail which was granted to respondent No.2 by the Court of Additional Chief Metropolitan Magistrate, 3rd Court, Mumbai by order dated 15/4/2006.

2. The matter was heard for some time. During the course of arguments, the learned Senior Counsel appearing on behalf of the applicant submitted that they may be permitted to approach the Chief Metropolitan Magistrate for the purpose of filing a

fresh application before him and they may be permitted to withdraw the present application for cancellation of bail. He also submitted that all the legal and other issues raised in this application may be kept open.

3. The learned Counsel appearing on behalf of respondent No.2 submitted that no finding be recorded by this Court and no observation be made in respect of the present application. The learned Counsel for respondent No.2, however, strongly opposes the withdrawal of the application since the matter was argued for some time. He submitted that liberty may not be granted and the applicant may be permitted to withdraw the application without granting any liberty.

4. In the result, the application is allowed to be withdrawn. Liberty, however, is granted to the applicant to approach the Chief Metropolitan Magistrate. It is not necessary to grant such liberty since the applicant always can make a fresh application if certain other material is found during the course of investigation. However, since both the parties have agreed that no observation should be made by this court, it would be appropriate if the application is allowed to be withdrawn and liberty as

prayed is granted. It is again clarified that all legal and other issues raised in this application are kept open and if any fresh application is filed by the applicant, the same be decided on merits after taking into consideration submissions of both the parties.

5. Application is accordingly disposed of in the above terms.

V.M. KANADE, J.